

Amendment and Response

Serial No.: 10/698,121

Confirmation No.: 8958

Filed: October 31, 2003

For: INDUCIBLE LIGAND FOR α 1 β 1 INTEGRIN AND USES

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Remarks

The Office Action mailed June 6, 2007 has been received and reviewed. Claims 6, 10, 11, 15, 21, 25, 45-52, 55-59, 62-71 having been amended, claims 1-5, 7-9, 12-14, 16-20, 22-24, 26-44, 53, 54, 60, 61 and 67 having been canceled, without prejudice, and claims 72-74 having been added, the pending claims are claims 6, 10, 11, 15, 21, 25, 45-52, 55-59, 62-66, and 68-74. Reconsideration and withdrawal of the rejections are respectfully requested.

Support for the new claims is found throughout the specification; Applicant submits that no new matter is added thereby. Support for new claim 72 is found, for example, on page 18, line 23 of the specification. Support for new claim 73 and 74 is found, for example, on page 5, line 5-6, page 3, lines 28-32, page 4, line 26, and page 15, lines 20-27 of the specification.

Claim Objections

The Examiner objected to claims 55-59 "as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims" (page 10, Office Action mailed June 6, 2007). To expedite prosecution, claims 55-59 have been amended to recite all of the text of independent claims 13, 17, 23, 43, and 44, respectively. Thus, claims 55-59 have been "rewritten in independent form including all of the limitations of the base claims and any intervening claims." Withdrawal of this objection and the allowance of claims 55-59 is respectfully requested.

Further, claims 15, 45, 48, and 68 have been amended to depend from amended claim 55, claims 21, 46, 49, and 69 have been amended to depend from amended claim 56, claims 25, 47, 50, and 70 have been amended to depend from amended claims 57, claims 10, 11, and 51 have been amended to depend from amended claim 58, and claims 52 and 71 have been amended to depend from amended claim 59. The allowance of claims 6, 10, 11, 15, 21, 25, 45-52 and 68-71 is respectfully requested.

Applicant reserves the right to continue the prosecution of any cancelled subject matter in continuing applications, without lose of right.

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Double Patenting Rejection

Claims 6-8, 11-13, 15, 17, 23, 28, 43-44, 46-52, and 68-71 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25, 34-36, 40, 43-45, and 52 of copending application no. 10/099,573 in view of Nykvist et al., U.S. Patent No. 5,567,440 and Hagg et al. Claims 10, 21, 25, and 45 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25, 34-36, 40, 43-45, and 52 of copending application no. 10/099,573 in view of Nykvist et al., U.S. Patent No. 5,567,440 and Hagg et al. as applied to claims 6-8, 11-13, 15, 17, 23, 28, 43-44, 46-52, and 68-71 above, and further in view of Harlow.

Applicant submits that these provisional rejections of the claims under the judicially created doctrine of obviousness-type double patenting are moot in view of the cancellation of claims 7, 8, 12, 13, 17, 23, 28, 43, and 44 and the amendment of claims 6, 10, 11, 15, 21, 25, 45-52, and 68-71 to depend from claims 55-59. Reconsideration and withdrawal of this rejection is requested.

The 35 U.S.C. §112, First Paragraph, Rejection

The Examiner rejected claims 7, 8, 10, 12, 28, 54, and 67 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. Applicant submits that this rejections of the claims under 35 U.S.C. §112, first paragraph, is moot in view of the cancellation of claims 7, 8, 12, 28, 54, and 67, and the amendment of claim 10 to depend from claim 58. Reconsideration and withdrawal of this rejection is requested.

The 35 U.S.C. §103 Rejection

The Examiner rejected claims 6-8, 11-13, 15, 17, 23, 28, 43, 44, 46-52, and 68-71 under 35 U.S.C. §103(a) as being unpatentable over WO 99/61040 in view of Nykvist et al. (JBC

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275(11):8255-8261, 2000), U.S. Patent No. 5,567,440 and Hagg et al. (JBC, 273(25):15590-15597, 1998). Further, the Examiner rejected claims 10, 21, 25, and 45 under 35 U.S.C. §103(a) as being unpatentable over WO 99/61040 in view of Nykvist et al., U.S. Patent No. 5,567,440 and Hagg et al., as applied to claims 6-8, 11-13, 15, 17, 23, 28, 43, 44, 46-52, and 68-71, and further in view of Harlow.

The Examiner rejected claims 6-8, 11-13, 15, 17, 23, 28, 43, 44, 46-52, and 68-71 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,492,325 in view of Nykvist et al., U.S. Patent No. 5,567,440 and Hagg et al. Further, the Examiner rejected claims 10, 21, 25, and 45 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,492,325 in view of Nykvist et al., U.S. Patent No. 5,567,440 and Hagg et al., as applied to claims 6-8, 11-13, 15, 17, 23, 28, 43-44, 46-52, and 68-71, and further in view of Harlow.

Applicant submits that these rejections are moot in view of the cancellation of claims 7, 8, 12, 13, 17, 23, 28, 43, 44, 54, and 67 and the amendment of claims 6, 10, 11, 15, 21, 25, 45-52, 55-59, and 68-71. Reconsideration and withdrawal of these rejections under 35 U.S.C. §103(a) is requested.

Clarification Requested

With item 5, page 2 of the Office Action, mailed June 6, 2007, the Examiner stated "[c]laims 1-7, 10-17, 20-23 and 26-28 are under examination as they read on a method of treating inflammation in a subject comprising administering to the subject an α E β 7 Mab and further α 4 β 7 wherein the inflammation (*sic*) is inflammatory bowel disease, asthma, rheumatoid arthritis, autoimmune disease, and graft versus host disease as the species." Applicant does not understand the relevance of this statement to claims were 6-8, 10-13, 15, 17, 21, 23, 25, 28, 43-52, 54, and 67-71, the claims under examination when the Office Action was mailed on June 6, 2007. Clarification is requested.

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Summary

It is respectfully submitted that the pending claims 6, 10, 11, 15, 21, 25, 45-52, 55-59, and 62-74 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of August, 2007, at 11:57 AM (Central Time).

By: Deb Schurmann
Name: Deb Schurmann